

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	5:07-cr-009-SLB-JEO
)	
BRIAN SCOTT CULVER.)	

MOTION IN LIMINE TO EXCLUDE MENTION OF
“DOMESTIC VIOLENCE 911 CALL”

COMES NOW the Defendant, by and through his undersigned attorney, and respectfully moves this Honorable Court to issue an **“Order”** prohibiting the Government and/or any of its witnesses from mentioning or attempting to mention before the venire or jury any evidence or claim that Sharon Culver, the mother of the alleged victim, to-wit: K.W., placed a “domestic violence 911 call” to the Hoover Police Department on November 12, 2003. In support of said Motion, your Defendant avers as follows:

1. That this Defendant has not been charged in any indictment before this Honorable Court with “domestic violence.”
2. That on any previous charges brought in the state courts alleging “domestic violence,” this Defendant was expressly found **“Not Guilty.”**
3. That the Government will, in the judgment of the defense, attempt to introduce evidence that Sharon Culver telephoned the Hoover

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Police Department on November 12, 2003, and that the Hoover Police Department deployed police officers to the home occupied by Mr. Culver and others on the belief that they were responding to a “husband vs. wife domestic violence call.” Said evidence is not probative of the existing charge against this Defendant.

4. That to allow the Government to introduce evidence of any “domestic violence 911 call,” particularly when the conduct initially alleged was “husband vs. wife” and did not involve the alleged minor victim, to-wit: K.W., would be improper. Any alleged probative value of said evidence would be vastly outweighed by the prejudicial effect of the evidence to this Defendant.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully moves this Honorable Court to issue an Order **“Suppressing”** any reference at trial to the above-referenced subjects.

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Respectfully submitted,

s/Herbie Brewer
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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of February, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following attorneys of record: Alice H. Martin, United States Attorney, Laura D. Hodge, Assistant United States Attorney.

s/Herbie Brewer
Herbie Brewer